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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

PREGAME LLC, a Nevada general
partnership formerly organized as a limited-
liability company; RANDALL J. BUSACK
and R.J. BELL, general partners in
PREGAME LLC,

Defendants.

Case No.: 2:10-cv-0850

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Pregame LLC, a Nevada general partnership formerly organized as a limited-liability company (“Pregame”), Randall J. Busack (“Mr. Busack”), and R.J. Bell (“Mr. Bell”; collectively with Pregame and Mr. Busack known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Mr. Bell is, and has been at all times relevant to this lawsuit, a resident of Nevada.

5. Mr. Busack is, and has been at all times relevant to this lawsuit, a resident of Nevada.

6. On or about February 5, 2008, a business entity named Pregame LLC ("Pregame LLC") was organized as a Nevada limited-liability company.

7. As of June 1, 2010, Pregame LLC is an entity in default status.

8. As of June 1, 2010, Pregame LLC is no longer a validly subsisting entity recognized by the Nevada Secretary of State, which is evidenced by the Nevada Secretary of State entity database, attached hereto as Exhibit 1.

9. Mr. Busack and Mr. Bell are, and have been at all times relevant to this lawsuit, the general partners associated with the business entity formerly organized as Pregame LLC.

10. Despite Pregame LLC's default status, the general partners of the business entity formerly organized as Pregame LLC, at all times relevant to this lawsuit, have conducted and continue to conduct business under the name Pregame LLC.

11. At all times relevant to this lawsuit, the business entity formerly organized as Pregame LLC was and is a business for profit.

12. At all times relevant to this lawsuit, Mr. Busack and Mr. Bell shared and share in the profits of the business entity formerly organized as Pregame LLC.

13. At all times relevant to this lawsuit, the conduct of Mr. Busack and Mr. Bell, general partners of the business entity formerly organized as Pregame LLC, constituted and constitutes a Nevada general partnership.

14. As of June 1, 2010, the business entity formerly organized as Pregame LLC, is a Nevada general partnership known as Pregame.

1 26. Mr. Bell purposefully directs activities at Nevada residents, which activities have
2 resulted in the copyright infringement alleged herein.

3 27. Righthaven is the owner of the copyright in the literary work entitled, “Sharp
4 money avoids Saints” (the “Work”), attached hereto as Exhibit 3.

5 28. The Defendants copied, on an unauthorized basis, the Work from a source
6 emanating from Nevada.

7 29. On or about February 6, 2010, the Defendants displayed and continue to display
8 an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 4, on
9 the Website.

10
11 **VENUE**

12 30. The United States District Court for the District of Nevada is an appropriate
13 venue, pursuant to 28 U.S.C. §1391(b)(2), because a substantial part of the events giving rise to
14 the claim for relief are situated in Nevada.

15 31. The United States District Court for the District of Nevada is an appropriate
16 venue, pursuant to 28 U.S.C. §1391(b)(3) and § 1400(a), because the Defendants may be found
17 in Nevada.

18
19 **FACTS**

20 32. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C.
21 §102(a)(1).

22 33. Righthaven is the owner of the copyright in the Work.

23 34. The Work was originally published on February 5, 2010.

24 35. On April 30, 2010, the United States Copyright Office (the “USCO”) granted
25 Righthaven the registration to the Work, copyright registration number TX0007138825 (the
26 “Registration”) and attached hereto as Exhibit 5 is evidence of the Registration in the form of a
27 printout of the official USCO database record depicting the occurrence of the Registration.
28

1 36. As of June 1, 2010, Pregame LLC is, and has been at all times relevant to this
2 lawsuit, identified by GoDaddy as the registrant of the Website.

3 37. As of June 1, 2010, neither Pregame LLC, nor Pregame has filed with the USCO,
4 as an online service provider with a designated agent to receive notification of claims of
5 infringement.

6 38. As of June 1, 2010, neither Pregame LLC, nor Pregame has afforded itself the
7 protection of an online service provider, pursuant to 17 U.S.C. §512.

8 39. No later than February 6, 2010, Mr. Bell posted the Infringement on the Website.

9 40. The Defendants did not seek permission, in any manner, to reproduce, display, or
10 otherwise exploit the Work.

11 41. The Defendants were not granted permission, in any manner, to reproduce,
12 display, or otherwise exploit the Work.

13
14 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

15 42. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
16 41 above.

17 43. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
18 U.S.C. §106(1).

19 44. Righthaven holds the exclusive right to prepare derivative works based upon the
20 Work, pursuant to 17 U.S.C. §106(2).

21 45. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
22 17 U.S.C. §106(3).

23 46. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
24 U.S.C. §106(5).

25 47. The Defendants reproduced the Work in derogation of Righthaven's exclusive
26 rights under 17 U.S.C. §106(1).

27 48. The Defendants created an unauthorized derivative of the Work in derogation of
28 Righthaven's exclusive rights under 17 U.S.C. §106(2).

a. All evidence and documentation relating in any way to the Defendants' use of the Work, in any form, including, without limitation, all such evidence and documentation relating to the Website;

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom the Defendants have communicated regarding the Defendants' use of the Work; and

c. All financial evidence and documentation relating to the Defendants' use of the Work;

3. Direct GoDaddy and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. §504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

Dated this fourth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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